



## Arkansas Department of Human Services Division of Youth Services

### DYS Policy and Procedure 1550 - Incident Reporting

#### **POLICY**

All staff will follow a standardized process for documenting and reporting incidents, which may affect the health and safety of juveniles, employees, volunteers, or visitors.

Residential unit and security staff will maintain a permanent log and prepare shift reports that record routine information, emergency situations, and unusual incidents. An incident report is prepared following each incident and is submitted to administrative staff for review. Incident reports will also be faxed to DYS Internal Affairs Unit. The Internal Affairs Unit will ensure that the requirements of DHS Policy 1090, on incident reporting, are met.

All staff members are mandated reporters of child abuse and neglect under Arkansas law and will report all instances and allegations directly to the Child Abuse Hotline in addition to completing incident reports.

#### **Definitions**

##### **Abuse**

Any conduct performed on others, or created by restriction to certain environmental conditions, that constituted cruelty, physical or severe psychological pain, or sexual harm, creating a substantial possibility of death, disfigurement, illness, or any significant non-accidental physical or mental injury in a manner that is considered intentional, reckless, or neglectful.

##### **Anonymous Source**

A report of an incident alleged by a juvenile or other person whose name will not be revealed on an Incident Report or other related report(s).

##### **AWOL**

The voluntary act by a juvenile to escape from the premises of a DYS facility, from an approved off campus pass, or an approved off-campus activity in which the juvenile is participating.

**Child Maltreatment/  
Suspected Child Maltreatment**

Abuse, sexual abuse, neglect, sexual exploitation, or abandonment.

**Client, youth, juvenile, student**

Any adjudicated juvenile delinquent committed to DYS.

**Criminal Activity**

Juvenile or staff activity that is identified and prosecutable as a misdemeanor, felony, or violation as defined by the Arkansas Criminal Code.

**Death**

The death of any person from violence or neglect, whether apparently homicidal, suicidal, accidental, or industrial, including but not limited to death due to suspected or actual abuse, neglect, thermal, chemical, electrical, or radiation injury; or death due to criminal abortion, whether apparently self-induced or not; or sudden death when in apparent good health.

**DHS**

The Arkansas Department of Human Services, the parent agency of DYS.

**Disruption of Service Delivery**

Temporary disruption of DYS or contracted facility operations.

**DYS**

The Division of Youth Services of the Arkansas Department of Human Services

**DYS Facility**

Any facility providing services to committed juveniles whether owned or operated by DYS or by DYS contractors or subcontractors.

**Epidemic or Serious Communicable Disease**

Any epidemiological or communicable disease defined by and required for reporting to the Arkansas Department of Health.

**Facility Director**

The individual ultimately responsible for all operations at a specific juvenile residential facility. The facility director manages the facility and its programs and is the administrative officer to whom all employees or units of management are responsible.

**IAU**

The DYS Internal Affairs Unit responsible for reviewing and investigating incidents.

**Incident Report**

Forms used for incident reporting. Staff at DYS and contracted facilities use DYS IR-1 form to report incidents to DYS. DYS IAU staff use DHS-1090 to report incidents to DHS.

**Investigation**

An official, systematic inquiry into an incident involving a committed juvenile, staff, visitor, volunteer, or other person by internal or external investigators, persons or agencies.

**Mandated Reporter**

All DHS/DYS employees, contracted staff, and volunteers, who participated in, observed, witnessed, discovered, or have knowledge of any incident described in this procedure shall be responsible for reporting the incident and writing an incident report. Allegations or observations of abuse are required by law to be reported to the Child Abuse Hotline.

**Natural Disaster**

Natural disasters are tornadoes, floods, earthquakes, fires, etc., which place employees or clients in potential danger.

**Neglect**

An act or omission by staff that results in the failure to provide for the essential and necessary physical, mental, or emotional needs of committed juveniles, including but not limited to clothing, food, shelter, support, education, supervision, and medical care.

**Physical Abuse**

Physical abuse includes but is not limited to abuse with a deadly weapon, bone fractures, brain damage, skull fracture, burns, scalding, cuts, bruises, welts, human bites, and internal injuries as defined by the Child Maltreatment Act.

**Premises**

Real Estate owned, leased, rented, or occupied by DYS programs, including equipment and vehicles utilized or operated by or for the programs.

**Serious bodily injury**

Injury which requires medical attention outside the DYS or contracted facility.

**Sexual Abuse**

Solicitation or participation in sexual activity with a juvenile. Sexual activity includes but is not limited to sexual contact, oral sex, sexual exploitation, and sexual penetration as defined by the Child Maltreatment Act.

**Sexual Exploitation**

Allowing, permitting, or encouraging participation or depiction of a juvenile in prostitution, obscene photographing, filming, or obscenely depicting a juvenile for any use or purpose.

**Staff**

All paid or volunteer persons working under the supervision of DYS, DYS contracted or subcontracted providers.

**Suspected Illegal Use of Drugs or Intoxicants**

The state of being under the influence of illegal drugs or intoxicants by a juvenile, staff, or visitor on the premises, or the use or possession of these items on the premises by a juvenile, staff, or visitor.

**Incident Types**

- A. The **serious incidents** listed below require immediate notification to DYS IAU and the Child Abuse Hotline. DYS IAU will provide the required immediate notification to DHS.
  - 1. Death
  - 2. Neglect
    - a) Educational neglect
    - b) Environmental neglect
    - c) Medical neglect
  - 3. Physical Abuse
    - a) Abuse with a deadly weapon
    - b) Bone fractures
    - c) Brain damage or skull fracture
    - d) Burns or scalding
    - e) Cuts, bruises or welts
    - f) Human bites
  - 4. Sexual Abuse
    - a) Oral sex
    - b) Sexual contact
    - c) Sexual exploitation
    - d) Sexual penetration
- B. All **other incidents** requiring the filing of an incident report are listed below. These incidents require a written incident report to be completed as soon as possible, but no later than the end of the shift during which the incident occurred.
  - 1. Absence, escape, or AWOL  
(However, for immediate verbal notification requirements, refer to DYS AWOL Policy.)
  - 2. Assault on staff with a weapon

3. Other assault on staff by juvenile (without weapon)
4. Sexual assault by juvenile on staff, other juveniles or any sexual misconduct
5. Any drug or alcohol related incident (juvenile or staff)
6. Disruption of service delivery due to involuntary facility closure, serious weather-related event or accident
7. Fights or physical altercations involving staff, juveniles, or visitors
8. Riot, inciting a riot or fight with more than 4 participants
9. Medical emergency resulting in injuries (not abuse related)
10. Any use of force or physical intervention
11. Any use of mechanical restraints other than for routine transportation purposes
12. Any visible injury to staff, juveniles, or visitors not related to the use of force including attempted or successful self-injurious actions
13. Contraband or juvenile in possession of contraband
14. Verbal abuse
15. Accident with property damage
16. Aftercare violation/pick-up order issued
17. Criminal mischief or destruction of property by juveniles
18. Any serious or contagious (communicable) disease
19. Gang related incident
20. Disorderly conduct
21. Theft of property (facility or personal)
22. Disruption or disturbance
23. Anything not covered in the other categories

**Reporting and filing of incidents**

1. All staff who participated in, observed, witnessed, discovered, or have knowledge of any incident listed in this policy shall be responsible for reporting the incident and writing an incident report. The current DYS Incident Report form will be used to report incidents within DYS and DYS contracted facilities and service providers.
2. Each staff witnessing the incident shall privately, without conference or influence, complete the narrative section of an incident report form.
3. Reports shall be completed without use of whiteout, deletion, blackouts, etc. Rough drafts or rewrites shall be retained and attached to the completed incident report. A correction may be made using one straight line to draw through the mistake with the initials of the person making the change.
4. Allegations or observations of abuse are required by law to be reported to the Child Abuse Hotline. When an incident report relating to abuse is filed, it is the responsibility of all mandated reporters to ensure that the Child Abuse Hotline has been notified.
5. DYS IAU will take the actions required to report incidents to DHS according to DHS Policy 1090.
6. On-duty managers or supervisors will be responsible for reviewing incident reports for completion and accuracy of facts prior to faxing to DYS IAU.
7. If a manager or supervisor is not present, particularly after regular business hours (including weekends and holidays), all incident reports must be submitted immediately to Security for faxing to DYS IAU. Under no circumstance shall an incident report or information requiring DYS IAU's attention remain on the residential unit after hours awaiting review by a manager or supervisor that is not present at the time of the incident. Staff shall maintain proof of the date and time the incident report was faxed to DYS IAU with the original report.
8. In the facility director's absence, they will designate the person who is in charge and inform all staff. This designation will account for absences and other contingencies, so that all staff will have access to the individual performing this function at all times.
9. When there is a significant change in a juveniles' medical condition (requiring a supplementary or follow-up report) that was the result of an incident, medical staff shall complete an incident report.

10. When a juvenile threatens or attempts self harm, documentation of clinical evaluation, medical or psychological treatment shall be forwarded to DYS IAU with the incident report.

## **PROCEDURE**

### **Serious Incident/Hotline Reporting**

When staff is made aware of any serious incident or any other act that the Child Maltreatment Act requires reporting to the Child Abuse Hotline, they will contact the Child Abuse Hotline or ensure that the Child Abuse Hotline has already been contacted within one hour of the incident.

1. **An incident report shall be completed for any serious incident immediately.** The reporter shall contact the Child Abuse Hotline **within one hour**. Any person reporting an incident to the Child Abuse Hotline shall complete the Hotline Notification section of the incident report form. If unsure that the incident requires reporting, it shall be reported as a precautionary measure. This notification is to be made regardless of the date, time or place where the abuse allegedly occurred. For example, a juvenile may allege that abuse occurred prior to commitment to DYS or at a different facility.
2. The immediate supervisor of the reporting personnel or designated review staff will evaluate the incident report and notification section to ensure that all pertinent information is included. The reviewing staff will document by signature that they have confirmed the Child Abuse Hotline notification and that proper documentation have been made.
3. The supervisor or designated staff shall then fax a copy of the report to the Arkansas State Police Crimes Against Children Division, DYS IAU, and submit the report to the facility director.

### **Reporting Other Incidents**

Other incidents (as defined in section B.) will be reported by all staff with any knowledge of the incident.

1. An incident report shall be completed on all other incidents as soon as possible but no later than the end of the shift.
2. The reviewing staff will ensure that all pertinent information is included and document by signature that they have confirmed that all information is included.
3. The reviewing staff shall then fax a copy of the report to DYS IAU and submit the report to the facility director.

## **Types of Reporters**

Three reporting sources, identified for the purpose of compliance with this policy, include:

**a. Staff reports:**

An incident report written by staff, who participated in, observed, witnessed, discovered or have knowledge of the incident shall submit the report to the facility director.

**b. Juvenile report:**

(If a juvenile is alleging abuse or neglect, staff must immediately contact the Child Abuse Hotline and fax the report to IAU.) A juvenile may complete an incident report and submit the report to any staff member for logging with the facility director for referral. All juvenile incident reports will be reviewed, distributed and referred as required by this policy.

**c. Anonymous report:**

Each facility director shall establish a mechanism to ensure proper receipt and referral of anonymous incident reports. Any juvenile or staff will be permitted to complete an incident report in any form to be logged with the facility director and reviewed, distributed, and referred according to this policy. Outside agencies and the general public are also able to report any incidents.

## **Reporting Accountability**

### **1. Review**

- a. When an incident report is written, it will be delivered prior to the end of the current shift to the reporter's supervisor or security for review. The reviewer will ensure that all pertinent information and the names of all persons involved have been included. The reviewer will ensure that the report is complete and any required attachments are provided (e.g., narratives from all involved staff, juvenile statements, mark sheets, etc.).
- b. The reporter's supervisor will review, sign, and deliver the incident report to the facility director or their designee as required.

### **2. Distribution**

The distribution of incident reports for contracted facilities will include:

- a. DYS Internal Affairs Unit
- b. DYS Placement Unit at AYSC (for Master File)
- c. Case Manager
- d. Residential Unit Supervisor



The distribution of incident reports for DYS-operated facilities will include:

- a. DYS Internal Affairs Unit
- b. DYS Placement Unit at AYSC (for Master File)
- c. Juvenile Services Unit
- d. Services Manager
- e. Caseworker
- f. Unit Manager

### **3. Disposition**

- a. Upon review of an incident report, DYS IAU shall determine if investigative measures or other actions are necessary.
- b. DYS IAU will notify the facility director of investigative findings.
- c. All other investigative units, upon conclusion and determination of the referral, shall submit notification of the final determination to IAU. The results will be returned to the facility director for disposition.

### **Staff training requirements for incident reports**

1. All staff shall be instructed as to policy, procedure, and the use of all forms used with incident reporting.
2. Certification of incident reporting training is required before an employee may work at a juvenile facility. The facility director will document and ensure that certification is completed.
3. This information and training shall be provided to new employees during the New Employee Orientation. Current employees will receive training regarding incident reporting on an annual basis within 2 weeks of the provider's contract issuance or renewal.

### **Failure to Comply**

Failure to comply with this policy or the falsification of facts on reports shall make the staff or agency subject to disciplinary action or prosecution and may result in cancellation of a service provider contract.